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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,958	03/11/2004	Dana Scott Atkinson	10174/00003	7719
23380	7590	07/11/2007	EXAMINER	
TUCKER ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1414			KERSHTEYN, IGOR	
ART UNIT		PAPER NUMBER		3745
MAIL DATE		DELIVERY MODE		07/11/2007 PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/798,958	ATKINSON, DANA SCOTT
	Examiner	Art Unit
	Igor Kershteyn	3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,7-14,16-18 and 21-25 is/are rejected.
- 7) Claim(s) 6,15,19 and 20 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 September 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>10/15/04, 6/13/05</u>	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it contains more than 159 words. The abstract is also objected to because in line 1, "An hydraulic" should be changed to --A hydraulic--.

Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

Claims 1, 3, 4, and 11-13 are objected to because of the following informalities:

In claim 1, line 1, "An hydraulic" should be changed to --A hydraulic--.

In claim 3, line 6, "an hydraulic" should be changed to --a hydraulic--,

In claim 4, lines 3 and 5, "an hydraulic" should be changed to --a hydraulic--,

In claim 11, line 1, "An hydraulic" should be changed to --A hydraulic--,

In claim 11, line 4, "an hydraulic" should be changed to --a hydraulic--,

In claim 12, line 6, "an hydraulic" should be changed to --a hydraulic--,

In claim 13, lines 3 and 5, "an hydraulic" should be changed to --a hydraulic--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-14, 16-18, and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by DE2557664.

In figures 1-3, '664 teaches a hydraulic cylinder comprising: a sleeve cylinder 10, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber 18; an internal cylinder 14, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber 24; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Claims 1-5, 7-14, 16-18, and 21-25 are rejected under 35 U.S.C. 102b) as being anticipated by NL8105929A.

In figures 1-3, '929 teaches a hydraulic cylinder comprising: a sleeve cylinder 2, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber 4; an internal cylinder 3, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber 9; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Claims 1-5, 8, 9, 11-14, and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by FR2739149A.

'149 teaches a hydraulic cylinder comprising: a sleeve cylinder 1, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber 6; an internal cylinder 3, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber 10; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

#### ***Allowable Subject Matter***

Claims 6, 15, and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Prior Art***

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of six patents.

Hottel (1,788,298) is cited to show a hydraulic cylinder comprising: a sleeve cylinder, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber; an internal cylinder, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Rosaen (3,335,642) is cited to show a hydraulic cylinder comprising: a sleeve cylinder, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber; an internal cylinder, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Gardner (3,353,352) is cited to show a hydraulic cylinder comprising: a sleeve cylinder, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber; an internal cylinder, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Latham (5,172,625) is cited to show a hydraulic cylinder comprising: a sleeve cylinder, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber; an internal cylinder, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Obrecht et al. (5,299,489) is cited to show a hydraulic cylinder comprising: a sleeve cylinder, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber; an internal cylinder, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Langer et al. (5,865,089) is cited to show a hydraulic cylinder comprising: a sleeve cylinder, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber; an internal cylinder, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

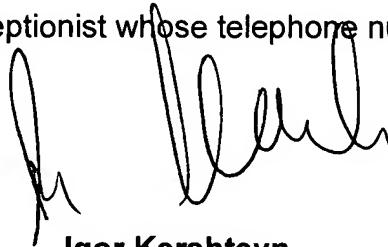
***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

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IGOR KERSHTEYN  
PRIMARY EXAMINER

Igor Kershteyn  
Primary Patent examiner.  
Art Unit 3745